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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,505	03/18/2005	Charles Garvin Crawford	P/4675-4	5057
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OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403				
			EXAMINER BATTULA, PRADEEP CHOUDARY	
			ART UNIT 3722	PAPER NUMBER
			MAIL DATE 10/30/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/528,505

Applicant(s)

CRAWFORD, CHARLES GARVIN

Examiner

Pradeep C. Battula

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 3/18/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

Claims 1 and 10 objected to because of the following informalities: "the loose or detachable pages" limitation does not have proper antecedent basis. Appropriate correction is required.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a) because they fail to show pocket 22 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the one or more carriers divided by index sheets must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Arrowood (U.S. 5,082,312).

In regards to Claim 1, Arrowood discloses carrier (book's 10 cover) in which one or more pages 15 of a first type are fixed to a spine formed along one side of the carrier, and one or more pages of a second type 16 are provided (Column 2, Lines 43 – 55; Figure 2, Items 15, 16 [in text the item numbers are reversed based on figures and contents of page]) the or each page of the first type being pre-printed with introductory statements and/or notations intended to be completed by the sender (Column 2, Lines 46 – 48; Figure 2, Item "Words of Wisdom:"), and the or each page of the second type having provision to receive and hold one or more photographs 19, press cuttings or other items of record about or of interest to the intended receiver of the carrier (Column 2, Lines 53 – 55; Figure 2, Item 16 [text refers to it as item 15]).

In regards to Claim 2, as applied to Claim 1, Arrowood further discloses wherein the carrier is a card of the type stated with front 11 and back 12 leaves and the spine (not numbered) (Column 2, Lines 33 – 36; Figures 1 & 2, Items 12, 13) is formed internally of a fold between the leaves (Figure 1, cover of the book is clearly one piece and therefore the spine is formed between the folded leaves).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3 – 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arrowood in view of Wyant (U.S. 4,991,767).

In regards to Claim 3, as applied to Claim 2, Arrowood does not disclose wherein a marginal portion of the front or back leaf adjacent to the spine is secured to the back or front leaf respectively to form a pocket in which the one or more pages of the second type are held or a corner pocket is provided at least at the top or bottom of the inside face at the outside edges of the front or back leaf to receive the respective corners of the one or more pages of the second type.

Wyant discloses of photograph or article holder having a marginal portion [area that 36 covers after being folded] (Column 2, Lines 35 – 40) on a back leaf 32 wherein the marginal portion is adjacent a spine 28 (Column 2, Lines 24 – 30; Figure 1, Items 28, 36; Figure 2, Item 32) and creates a pocket 47 (Figure 3, Item 47) which is also a corner pocket (applicant has not claimed two different pockets) on the bottom of the inside face at the outside edges of the back leaf (Column 2, Lines 35 – 40). Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide the carrier of Arrowood with the marginal portion and pocket of Wyant in order to provide the book with the ability to carry extra items of

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advice. With respect to holding the corners of one or more pages of a second type, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations.

In regards to Claim 5, as applied to Claim 3, Arrowood modified by Wyant is capable of having a second series of pages of the first type are provided as loose leaf to be inserted into the pocket, however, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations.

3. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arrowood in view of Switzerland (CH 588 949).

In regards to Claim 8, as applied to Claim 1, Arrowood does not disclose wherein a side portion of each page is secured to the spine with the rest of the page being separable therefrom by a line of perforations or like provision to enable the rest of the page to be detachable along the line of perforations.

Switzerland discloses an album having sheets 1 capable of holding photographs wherein the sheets have perforations 9 so that the portion holding the photograph can be removed (Please refer to the provided Abstract). Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide the sheets of Arrowood with the perforations of Switzerland in order to create an advise album wherein the advice which is seen as not useful can be removed.

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4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arrowood in view of Atkins (U.S. 2,213,662).

In regards to Claim 6, as applied to Claim 2, Arrowood does not disclose wherein the back leaf of the carrier has push out apertured tabs adjacent to the spine.

Atkins discloses a collection of leaves with text on several different faces wherein push out tabs 5 with apertures 6 are present adjacent the spine of the outside leaves of the collection of leaves (Page 2, Lines 28 – 35; Figure 2, Items 5, 6). Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a portion of one exterior leaf of Arrowood's invention with push out tabs of Atkins in order to allow for the invention to be placed in a loose leaf binder (Page 2, Lines 28 – 35; Atkins).

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arrowood in view of Davidson (U.S. 1,043,511).

In regards to Claim 7, as applied to Claim 1, Arrowood does not disclose wherein the pages of the first and/or second type are detachable by being peelable from the spine.

Davidson discloses a book with a first sheet 3 and a second sheet 8 wherein the first sheet is detachable by being peelable from the spine (Page 1, Lines 43 – 58). Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide the sheets of Arrowood with the ability to be separated from the spine in order to provide a sheet that can be removed if not wanted or allow it to be secured in another area (Page 1, Lines 55 – 58; Davidson). With



respect to the sheets being detachable by peeling; even though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process. In re Thorpe, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985).

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arrowood in view of Davidson and Karlis et al. (Karlis; U.S. 5,704,724).

In regards to Claim 9, as applied to Claim 7, Arrowood modified by Davidson does not disclose wherein the detachable pages are pre-punched suitable for inserting into a ring-type or other suitable binder or folder.

Karlis discloses a book having sheets with projections 68 for holding the sheets in a spiral notebook (Column 3, Line 53; Column 4, Lines 18 – 24; Figure 2; Figure 3, Item 68). Karlis further discloses that the sheet can be removed from a spiral bound notebook (Column 4, Lines 5 – 7). It is also shown that the sheet is also provided with binder ring holes 66 so that the sheet can be inserted into a binder (Column 4, Lines 18 – 24; Figure 3, Items 66) and it is therefore pre-punched. Therefore it would have been obvious to a person having ordinary skill in the art to provide the detachable sheets of Arrowood modified by Davidson with the pre-punched holes of the detachable sheets of Karlis in order to allow the device Arrowood modified by Davidson to be placed in a binder or an alternate binding means.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arrowood in view of Atkins and Ong (U.S. 5,503,487).

In regards to Claim 10, as applied to Claim , Arrowood does not disclose the loose or detachable pages of one or more of the carriers when completed and positioned in a ring-type binder or other suitable binder or folder and with one or more interleaved indexing sheets, the indexing sheets being to separate completed carriers or pages by subject matter or topic.

Atkins discloses a collection of leaves with text on several different faces wherein push out tabs 5 with apertures 6 are present adjacent the spine of the outside leaves of the collection of leaves (Page 2, Lines 28 – 35; Figure 2, Items 5, 6). Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a portion of one exterior leaf of Arrowood's invention with push out tabs of Atkins in order to allow for the invention to be placed in a loose leaf binder (Page 2, Lines 28 – 35; Atkins).

Ong discloses an index sheet 20 provided for a three ring binder which separates several different sets of sheets (Column 6, Lines 4 – 19). Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide the three ring bound device of Arrowood modified by Atkins with a divider sheet in order to separate different carriers. Furthermore, it is well known to use index sheets to sheets pertaining to different material and it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does

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not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations.

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**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pradeep C. Battula whose telephone number is 571-272-2142. The examiner can normally be reached on Mon. - Thurs. & alternating Fri. 7:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica S. Carter can be reached on 571-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PCB  
Patent Examiner  
August 28, 2007

  
MONICA CARTER  
SUPERVISORY PATENT EXAMINER